

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 14, 2001

APPLICATION OF

AES NEWENERGY, INC.

CASE NO. PUE010584

For permanent licenses to
conduct business as a
competitive electric service
provider and as an aggregator

ORDER GRANTING LICENSES

On November 2, 2001, AES NewEnergy, Inc., ("AES" or "the Company"), completed an application with the State Corporation Commission ("Commission") for licenses to provide competitive electric and natural gas aggregation services. Pursuant to the Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules") 20 VAC 5-312-10 et seq., the Company requested authority to serve commercial and industrial customers in the electric retail access programs and to conduct business as an aggregator of natural gas services throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice. The Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 B.

On November 14, 2001, the Commission issued its Order For Notice and Comment. That Order docketed the application, directed AES to provide notice of its application upon appropriate persons, including the utilities identified in Attachment A to the Order, and invited comments to be filed on the application.

The Company filed proof of this notice on November 9, 2001. No comments on AES' application were filed.

The Staff filed its Report on December 5, 2001, concerning AES' technical and financial fitness to provide competitive electric aggregation services. In its Report, Staff summarized AES' proposal and evaluated its financial condition and technical fitness. To ensure the faithful discharge of its duties as a retail access provider pursuant to the Retail Access Rules and the Code of Virginia, AES provides a surety bond payable to the Commonwealth of Virginia. Staff concluded that AES possesses the financial responsibility and technical experience to provide electric and aggregation services for commercial and industrial customers throughout Virginia. As such, Staff recommended that licenses be granted to AES for the provision of retail electric and aggregation services.

AES filed comments in support of Staff's Report on December 7, 2001.

NOW UPON consideration of AES' application for permanent licenses to conduct competitive electric and aggregation services to commercial and industrial retail customers throughout the Commonwealth, the AES surety bond, and Staff's Report, the Commission is of the opinion and finds that AES' request should be granted.

Accordingly, IT IS ORDERED THAT:

(1) AES shall be granted License No. E-11 for the provision of competitive electric services to commercial and industrial retail customers throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice.

(2) AES shall be granted License No. A-12 for the provision of competitive aggregation services to commercial and industrial retail customers throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice.

(3) These licenses are not valid authority for the provision of any product or service not identified within the license itself.

(4) Failure of AES to comply with the Retail Access Rules, the provisions of this Order, other State Corporation Commission orders and rules, or other applicable state or federal laws may result in an enforcement action by the Commission including,

without limitation, the revocation, suspension, or modification of the license granted herein, the refusal to renew such license, the imposition of appropriate fines and penalties, or such other additional actions as may be necessary to protect the public interest.

(5) This matter shall remain open pending the receipt of any reports required by the Retail Access Rules, as well as any subsequent amendments or modifications to the license granted herein.